

## **REMARKS**

Notwithstanding Applicant's previous response and distinguishing remarks, the present Office Action has continued to reject all examined claims. In response, Applicant submits the following additional distinguishing remarks. As the Office Action maintains rejections set out previously, Applicant repeats and realleges the distinguishing remarks previously made in this file history. In addition, the Applicant respectfully requests that the Examiner consider the following additional distinctions.

### **Response to Rejections under 35 U.S.C. 103**

Claims 1, 3-9, 11-18 and 20 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Okabe (US Patent. No. 6535778) in view of Wiesler (US Patent Application Publication No. 2001/0047222). Among these rejected claims, claims 1, 9, and 16 are independent. Claims 9 and 16 are rejected on the same basis as claim 1. Therefore, remarks are provided regarding to patentability of the independent claim 1 and claims depended thereto, respectively.

In order for a claim to be properly rejected under 35 U.S.C. §103(a), the teachings of the prior art reference must suggest all features of the claimed invention to one of ordinary skill in the art. See, e.g., *In re Dow Chemical*, 837 F.2d 469, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 642 F.2d 413, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981).

**Okabe does not disclose a *tool* stocking and sorting system.**

The Office Action (page 2) states that ‘Okabe discloses a tool stocking and sorting method’. In addition, the Office Action (page 6) states that ‘tool can be defined as an “implement used to do work or perform a task”’. Further, the Office Action (page 6) states that ‘the lots (semiconductor equipment) can be construed as tools because they are used to do work or perform a task (in that they are used in the processing of semiconductor equipment)’.

Applicant notes that the statements cannot be supported by the teachings of Okabe. Further, such statements go against the common understanding of persons skilled in the art. According to Okabe, ‘the invention provides a process control method, for processing a plurality of lots including a preceding lot and a subsequent lot in a process stage’ (col. 2, lines 44-47, Okabe), and ‘Each lot consists of plural semiconductor wafers, which are treated all at once’ (col. 6, lines 4-5). In addition, Okabe teaches that: ‘Accordingly, a problem exists in that untreated products come out one after another over the specified time, and it is required to apply a re-treatment of the process to the lot (hereinafter referred to as product).’ (col. 2, lines 15-18) Accordingly, Okabe teaches a process control method and process control apparatus, rather than ‘a tool stocking and sorting method’.

In addition, based on the description (‘Each lot consists of plural semiconductor wafers, which are treated all at once’ and ‘lot (hereinafter referred to as product)’), the lots taught by Okabe are actually semiconductor wafers, and the lot is referred to as product.

Accordingly, to one of ordinary skill in the art, based on the disclosure of Okabe, none of the terms (lot, semiconductor wafers, product) would be interpreted as “implement used to do work or perform a task”. Further, based on the disclosure of Okabe, none of the terms (lot, semiconductor wafers, product) can support the statement of ‘the lots (semiconductor equipment) can be construed as tools because they are used to do work or perform a task (in that they are used in the processing of semiconductor equipment) (Office Action, page 6). For at least this reason, the rejection of claim 1 should be withdrawn.

In addition, the lots taught by Okabe and the tools defined in the claimed invention are different in nature. The lot taught by Okabe (referred to as semiconductor wafer or product) is the subject matter that is actually being processed; while the tool (reticle) taught in the claimed invention is used during process procedures but not being processed itself, and can be reused repeatedly. The fact that a reticle is used as a tool in semiconductor manufacturing and that a reticle is used repeatedly are common knowledge to one of ordinary skill in the art. To one of ordinary skill in the art, the described features of the tool (reticle) are implied in the claim language “reticle.” Because the tools can be reused, difference in usage frequency exists among different tools. The claimed invention provides three distinct storages (i.e., the “first tool storage”, “second tool storage”, and “third tool storage”) for storing tools from currently in use to left unused. On account of the difference in nature, the method of handling tools taught by the claimed invention are not be anticipated by the method of processing lots taught by Okabe.

Accordingly, the “tool stocking and sorting system and method” of claims 1, 9, and 16 are not disclosed by Okabe.

Okabe does not disclose three distinct tool storages of claim 1

The Office Action (page 2) states that Okabe discloses the first tool storage, the second tool storage, and the third tool storage of claim 1.

Applicant respectfully disagrees and notes that Okabe does not disclose three distinct tool storages of claim 1 (i.e. the “first tool storage”, “second tool storage”, and “third tool storage” of claim 1). In Column 2, lines 44-52, and Fig. 9 of Okabe, Okabe teaches “a hold stocker for holding *each lot in a standby state*” (emphasis added). In addition, in lines 48-50, Okabe teaches “a pre-treatment processing equipment for pre-treating each lot brought out from said hold stocker on the basis of standby release order”.

According to Okabe, the hold stocker stores each and every lot, which is to be processed by the pre-treatment processing equipment. On the contrary, the “third tool storage” of the present invention is used to store tools not in use. The lots stored in the hold stocker of Okabe, however, are in “a standby state”, and are going to be treated by the pre-treatment processing equipment on the basis of standby release order. To one skilled in the art, “a hold stocker for holding each lot in a standby state” (Column 2, lines 44-52, and Fig. 9 of Okabe) does not disclose the technical features of the three tool storages storing reticles in different usage status (i.e., currently in use, not currently in use, and not in use). For at least this additional reason, the rejection of claim 1 should be withdrawn.

**Okabe does not disclose the host system of claim 1**

The Office Action (page 2) states that Okabe discloses the host system of claim

1. Applicant respectfully disagrees and submits that Okabe does not disclose “a host system (11) adapted to re-locate the first, second, and third tools among the first, second, and third storages as a function of demand data pertaining to a product corresponding to the respective tool,” as defined in claim 1.

In column 8, lines 32-34, Okabe teaches a FA computer and equipment control terminal 16. The FA computer 11 comprises a reference information storage section 13, a product in-process information storage section 14, a collected data storage section 15, and an arithmetic unit control section 12. The FA computer 11 processes data, rather than “re-locating” tools among distinct storages in the manufacturing process. Accordingly, the FA computer 11 does not disclose “host system” of claim 1.

To persons skilled in the art, the FA computer 11 of Okabe does not disclose the host system of claim 1. For at least this additional reason, the rejection of claim 1 should be withdrawn.

**Wiesler does not disclose three distinct tool storages of claim 1**

The Office Action (page 3) states that Wiesler provides the first tool storage, the second tool storage, and the third tool storage of claim 1 in the Fig. 9 of Wiesler.

Applicant notes that, there is no Fig. 9 in Wiesler's disclosure.

The Office Action (page 3) states that Wiesler discloses providing the first tool storage, the second tool storage, and the third tool storage of claim 1, citing “Figure 9” of Wiesler. ***Clearly, this rejection is misplaced, as there is no Figure 9 in Weisler.*** For at least this reason, the rejection of claim 1 is misplaced and should be withdrawn.

#### **Wiesler does not disclose the host system of claim 1**

The Office Action (page 3) states that Wiesler provides “relocating the first, second, and third tools among the first, second, and third tool storage as a function of demand data pertaining to a product corresponding to the respective tool,” citing col. 2, lines 44-52 of Wiesler.

However, the description in col. 2, lines 44-52 of Wiesler has nothing to do with the limitation of “relocating the first, second, and third tools among the first, second, and third tool storage as a function of demand data pertaining to a product corresponding to the respective tool,” as defined in claim 1. For at least this additional reason, the rejection should be withdrawn.

#### **No Suggestion and Motivation to Combine Okabe and Wiesler**

The Office Action (page 6) states that “It would have been obvious to a person of ordinary skill in the art at the time of applicant’s invention to modify Okabe by utilizing a tool stocking and sorting method wherein the tool is a reticle for the purpose of efficiently and cost effectively manufacturing integrated circuits”.

Applicant submits that Okabe and Wiesler do not provide a proper suggestion or motivation to modify the references. Applicant has, in its previous response, set forth a more complete explanation of the deficiency in the alleged combination.

For this reason, teachings of Okabe and Wiesler do not suggest all features of the claim 1 to one of ordinary skill in the art. Accordingly, the rejection of claim 1 should be withdrawn. On the same basis as claim 1, rejections of claims 9 and 16 should be withdrawn, as these claims were rejected on the same basis as claim 1. Insofar as all remaining claims depend from claim 1, claim 9, or claim 16, all rejections should be withdrawn for at least the same reasons.

### **Conclusion**

In view of the foregoing remarks, Applicant respectfully requests reconsideration of the application and the timely allowance of claims.

If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

No fee is believed to be due in connection with this submission. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully submitted,

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